

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven H. Rice ) Art Unit:  
Serial No. 09/814,581 ) Examiner:  
Filed: March 21, 2001 ) Cust. No. 22931  
For: METHOD AND APPARATUS ) Attorney  
FOR A DEVICE TO CREATE ) Ref. No.: P313641  
A MUSICAL NOISE

**DECLARATION OF JASON BREWER**

1. I, Jason Brewer, living at 4974 Morgan Dr., Birch Bay, WA 98230, swear the following to be truthful under penalty of perjury of law.
  2. In the latter part of 2007 I had a conversation with my uncle, Steven Rice. We spoke about his health and other topics, such as his High Shaker device, which I understand is subject matter for a patent under Serial No.09/814,581. Steven informed me that he had a patent but was not commercializing the concept today.
  3. I am generally familiar with the device and could not believe that he was not pursuing commercialization of his concept.
  4. I contacted Michael Hughes, one of the patent attorneys at the firm handling the preparation and prosecution of this patent application. I wanted to get the patent number of the application. Michael Hughes informed me that the patent did not issue due to failure to pay the issue fee.
  5. I began working with Michael Hughes to get the patent issued, with the initial understanding that I thought it had been done years ago. Thereafter, it is my understanding that Michael Hughes called the PTO help line to get an assessment as to the possibility of filing a petition to revive on the basis of an unintentional

standard, and given the basic facts as I understand them, I believed we had a very good chance of reviving this application.

6. In the latter part of 2007 I assembled the money to pay Hughes Law Firm, PLLC sufficient funds to provide formal drawings, which I understand was a requirement for the final payment of the issue fee, and further pay the issue fee along with a petition to revive under what I understand is the unintentional standard.

7. Based on my general knowledge of an unintentional standard, it is my belief that subjectively, my uncle unintentionally let this application go abandoned, and it is my hope to revive this application so we can see his product finally be commercialized.

Signed at city of FENNOALE, County of WHATCOM, State of Washington this 5 day of MAY, 2008.  
Respectfully submitted,  
JASON BREWER,

Jason Brewer  
Jason Brewer